

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 687

Introduced by Senator Alquist

February 27, 2009

An act to add Section 1418.65 to the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 687, as amended, Alquist. Long-term *health* care facilities: ~~healthcare-associated~~ *health-care-associated* infection.

Existing law provides for the licensure and regulation by the State Department of Public Health of health care facilities, including long-term health care facilities. Existing law, the Long-Term Care, Health Safety, and Security Act of 1973, imposes various requirements on long-term health care facilities. Violation of these provisions is a crime.

This bill would prohibit a long-term health care facility from refusing to readmit a patient who was transferred from that facility to a general acute care hospital and who tested positive, upon admission to the health facility, for a ~~healthcare-associated infection~~ *place a patient based on the fact that the patient has been diagnosed with a health-care-associated infection, or tested positive for the presence of an organism. The bill would require a long-term health care facility to take specified measures for a patient diagnosed with a health-care-associated infection. This bill would also require a long-term health care facility to maintain a record of health-care-associated infections, and would require facility staff to receive education and training regarding the control of health-care-associated infections, as specified. By creating a new crime* ~~new crimes~~, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1418.65 is added to the Health and Safety
2 Code, to read:

3 ~~1418.65. A long-term health care facility shall not refuse to~~
4 ~~readmit a patient who was transferred from that facility to a general~~
5 ~~acute care hospital, as defined in subdivision (a) of Section 1250~~
6 ~~and who tested positive, upon admission to the health facility, for~~
7 ~~a healthcare associated infection.~~

8 1418.65. (a) No person shall be refused placement in a
9 long-term health care facility based on the diagnosis of a
10 health-care-associated infection or a positive test for the presence
11 of an organism.

12 (b) A long-term health care facility shall implement appropriate
13 infection control measures for a patient diagnosed with an
14 infection.

15 (c) A long-term health care facility shall maintain a record of
16 infections, including, at a minimum, the name of each resident
17 with an infection, the date of infection, the causative agent of the
18 infection, if known, and the origin or site of infection. This record
19 shall be available for inspection by the State Department of Public
20 Health and the local health officer.

21 (d) Facility staff shall receive appropriate education and
22 training regarding the control of health-care-associated infections
23 annually, and more frequently, as needed.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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